

REMARKS/ ARGUMENTS

As a result of this Amendment, claims 10-29 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

- (1) objected to the abstract; and
- (2) rejected claims 10-29 under the judicially created doctrine of double patenting over claims 1-7 of U.S. Patent Application No. 10/584,391, and stated that a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c), may be used to overcome this rejection.

As a preliminary issue, Applicant is filing an Information Disclosure Statement to list a reference identified in the specification concurrently with this response and amendment for consideration by the Examiner. The Commissioner is hereby authorized to charge the fees required under 37 C.F.R. §1.97(c) and §1.17(b), namely \$180.00, or any additional fees to Deposit Account No. 04-1679.

With regard to Item 1, Applicants have canceled the original Abstract of the Invention, and introduced a new Abstract of the Invention that conforms with the rules of practice. Accordingly, reconsideration and withdrawal of the Examiner's objection to the Abstract is requested.

With regard to Item 2, a Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Pending Second Application is attached to this response and is believed to be in compliance with 37 C.F.R. §1.321(c). The Terminal Disclaimer has been signed by an Attorney of Record in the case. The Commissioner is hereby authorized to charge the fees, namely \$140.00, required in connection with the Terminal

Application No. 10/584,112
Docket No. E4942-00015
Response to Official Action of October 8, 2008


Disclaimer, to Deposit Account No. 04-1679. Accordingly, Applicants request entry of the Terminal Disclaimer and reconsideration and withdrawal of the double patenting rejection.

In view of the foregoing, Applicants respectfully submit that claims 10-29 are in condition for allowance. Favorable reconsideration is therefore respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at 215-979-1255.

Date: December 10, 2008

Respectfully Submitted


/Samuel W. Apicelli/
Samuel W. Apicelli
Registration No. 36,427
Customer No. 08933
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103-4196
Tel: 215-979-1255
swapicelli@duanemorris.com